

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

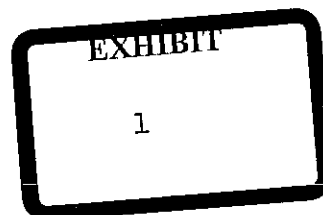
STATE OF OKLAHOMA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 05-CV-00329-GKF-SAJ
	)	
TYSON FOODS, INC., et al.,	)	
	)	
Defendants.	)	

STATE'S SUPPLEMENTAL RESPONSE TO DEFENDANT  
SIMMONS FOODS, INC.'S INTERROGATORIES AND  
DOCUMENT REQUESTS

In compliance with the Court's Order of January 5, 2007 (Docket No. 1016) (the Order) at page 10, to "respond to the interrogatories or produce documents responsive to the degree possible considering Plaintiffs' decision to produce documents and given this Court's order regarding waiver issues," and at the request of Simmons Foods, Inc., the State supplements its earlier responses to Interrogatories and Requests for Production of documents as follows:

**INTERROGATORY NO. 1:** For each calendar year, 1985 through 2005, state the total P loading for that year to Lake Tenkiller resulting from the land application of poultry litter in the Illinois River Watershed.

**SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 1:** Subject to the State's objections heretofore made, and as required by the Court's Order of January 5, 2007, the State further responds that the sampling data and other information produced in February, 2007, contained phosphorus concentration information for the Illinois River Watershed, but it did not include any expert opinion regarding phosphorus load modeling or calculations for Lake Tenkiller. Except as listed on its privilege log, the State made available for inspection and copying to Defendants (including Simmons Foods, Inc.) any studies and reports that discuss



**RESPONSE TO REQUEST NO. 1:** Subject to the State's objections heretofore made, and except as listed on its privilege log, the State made available for inspection and copying to Defendants (including Simmons Foods, Inc.) any studies and reports that discuss nutrient loading to Lake Tenkiller which it identified in the on-site agency productions, and the State will produce any additional reports and studies it identifies during future productions. With the exception of the Water Quality Modeling Analysis in Support of TMDL Development for Tenkiller Ferry Lake and the Illinois River Watershed in Oklahoma (Draft March 2001) which was produced to all Defendants (including Simmons Foods, Inc.) at the ODEQ on-site production, the State provided internet links to the specific documents referenced in its response in the text of its answer.

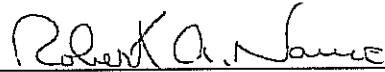
**INTERROGATORY NO. 5:** Provide the name, address and telephone number of all persons who have suffered any adverse health effect as a result of water contact in the Illinois River Watershed which was caused by the land application of poultry litter.

**RESPONSE TO INTERROGATORY NO. 5:** Subject to the State's objections heretofore made, and as required by the Court's Order of January 5, 2007, the State further responds that none of the sampling data or other information produced in February, 2007, confirms the identity of specific persons who have suffered any adverse health effect as a result of water contact in the Illinois River Watershed which was caused by the land application of poultry litter. At the present time, the State has not confirmed the identity of any person who has suffered adverse health effects traceable to water contact in the Illinois River Watershed caused by land application of poultry waste. The State, in consultation with its experts, is investigating whether instances of illness in the Illinois River Watershed are being caused by the health risks presented by Defendants' improper waste disposal activities and, if such investigation confirms the identity

of a person who has suffered adverse health effects as a result of water contact in the Illinois River Watershed which was caused by the land application of poultry litter, the State will supplement its response pursuant to Rule 26(e)(2).

Respectfully Submitted,

W.A. Drew Edmondson OBA # 2628  
Attorney General  
Kelly H. Burch OBA #17067  
J. Trevor Hammons OBA #20234  
Assistant Attorneys General  
State of Oklahoma  
313 N.E. 21st St.  
Oklahoma City, OK 73105  
(405) 521-3921



M. David Riggs OBA #7583  
Joseph P. Lennart OBA #5371  
Richard T. Garren OBA #3253  
Douglas A. Wilson OBA #13128  
Sharon K. Weaver OBA #19010  
Robert A. Nance OBA #6581  
D. Sharon Gentry OBA #15641  
Riggs, Abney, Neal, Turpen,  
Orbison & Lewis  
502 West Sixth Street  
Tulsa, OK 74119  
(918) 587-3161

James Randall Miller, OBA #6214  
Louis Werner Bullock, OBA #1305  
Miller Keffer & Bullock  
222 S. Kenosha  
Tulsa, Ok 74120-2421  
(918) 743-4460

David P. Page, OBA #6852  
Bell Legal Group  
222 S. Kenosha  
Tulsa, OK 74120  
(918) 398-6800

Frederick C. Baker  
(admitted *pro hac vice*)  
Elizabeth C. Ward  
(admitted *pro hac vice*)  
Elizabeth Claire Xidis  
(admitted *pro hac vice*)  
Lee M. Heath  
(admitted *pro hac vice*)  
Motley Rice, LLC  
28 Bridgeside Boulevard  
Mount Pleasant, SC 29465  
(843) 216-9280

William H. Narwold  
(admitted *pro hac vice*)  
Motley Rice, LLC  
20 Church Street, 17<sup>th</sup> Floor  
Hartford, CT 06103  
(860) 882-1676

Attorneys for the State of Oklahoma

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16<sup>th</sup> day of March, 2007, the foregoing document was electronically transmitted to the following:

Jo Nan Allen - jonanallen@yahoo.com bacaviola@yahoo.com  
Frederick C Baker- fbaker@motleyrice.com; mcarr@motleyrice.com;  
fhmorgan@motleyrice.com  
Tim Keith Baker - tbakerlaw@sbcglobal.net  
Sherry P Bartley - sbartley@mwsgw.com jdavis@mwsgw.com  
Michael R. Bond - michael.bond@kutakrock.com amy.smith@kutakrock.com  
Douglas L Boyd - dboyd31244@aol.com  
Vicki Bronson - vbronson@cwlaw.com lphillips@cwlaw.com  
Paula M Buchwald - pbuchwald@ryanwhaley.com  
Louis Werner Bullock - lbullock@mkblaw.net, nhodge@mkblaw.net, bdejong@mkblaw.net  
A Michelle Campney - campneym@wwhlaw.com steelmana@wwhlaw.com  
Michael Lee Carr - hm@holdenoklahoma.com MikeCarr@HoldenOklahoma.com  
Bobby Jay Coffman - bcoffman@loganlowry.com  
Lloyd E Cole, Jr - colelaw@alltel.net; gloriaebanks@alltel.net; amy\_colelaw@alltel.net  
Angela Diane Cotner - AngelaCotnerEsq@yahoo.com  
Reuben Davis - rdavis@boonesmith.com  
John Brian DesBarres - mrjbdb@msn.com JohnD@wcalaw.com  
W A Drew Edmondson - fc\_docket@oag.state.ok.us; drew\_edmondson@oag.state.ok.us;  
suzy\_thrash@oag.state.ok.us.  
Delmar R Ehrlich - dehrich@faegre.com; etriplett@faegre.com; qsperrazza@faegre.com